**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**W.P. No. 22902 of 2007**

**Date:30-10-2007**

Between:

Medipalli Sunder

**…Petitioners**

AND

The Tahsildar, Palwancha mandal and another

**..**

**Respondents**

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**ORDER**:

The petitioner seeks a writ of mandamus to declare the action of the first respondent in dispossession of the petitioner from the house bearing door No.7-19 on the land admeasuring 280 square yards situate in Sy.No.1/14 of Laxmidevipalli village, Palwanncha mandal, Khammam Distirict, pursuant to the notice and order of the 1st respondent in Rc.No.B/6230/2007, dated 17.10.2007, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioner or demolish the said house.

The petitioner claims ownership of an extent of Ac.0.06 guntas situate in Sy.No.1/14 of Laxmidevipalli village, Palwancha mandal, Khammam District. While so, the first respondent issued show cause notice under Section 7 of the A.P. Land Encroachment Act, 1905 which was served on 3.10.2007 as to why the petitioner shall not be evicted from the said encroached land as the said land is situated within the scheduled area and the possession of the petitioner is in contravention of Regulation 1 of 1959 as amended by Regulation 1 of 1970 for which an explanation was not submitted and the petitioner being a non-tribal, he was not allotted any land. Accordingly, eviction orders have been passed to take physical possession of encroached land by serving Form-6 notice.

Aggrieved by the said orders of the first respondent in Rc.No.B/6230/07, dated 12.10.2007, the petitioner filed an appeal before the second respondent under Section 10 of the A.P. Encroachment Act along with the application to grant stay. It is stated that the second respondent has not taken up either the stay application

or the appeal for hearing. It is further stated that even before the stay application is considered and disposed of, the first respondent is taking steps to dispossess him from the house.

Having regard to the facts of the case, without expressing any opinion with regard to the merits of the case, the writ petition is disposed of directing the second respondent/R.D.O. to consider and dispose of the stay application filed on 26.10.2007 against the orders of the first respondent in Rc.No.B/6230/2007, dated 17.10.2007 and pending disposal of the said stay application, status-quo obtained as on today with regard to the possession shall be maintained. There shall be no order as to costs.

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**V.ESWARAIAH, J.**

Date:30.10.2007

**Note:**
Operative portion of the order
by wire at party's cost.

B/o

**ccm**